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**THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA**

WHITEWATER DRAW NATURAL,
RESOURCE CONSERVATION
DISTRICT *et al.*

Case No. 3:16-cv-2583

**JOINT MOTION FOR SECOND
EXTENSION OF TIME FOR
PLAINTIFFS TO AMEND
COMPLAINT UNDER RULE
15(a)(1)(B)**

ELAINE DUKE, *et al.*

Plaintiffs.

V.

Defendants

1 On October 18, 2017, the Court granted Plaintiffs' request for an extension
2 of time to amend their Complaint in response to Defendants' Motion to Dismiss
3 Complaint in Part for Lack of Jurisdiction and Failure to State a Claim. Plaintiffs'
4 Amended Complaint is now due Dec. 1, 2017. The parties have conferred and
5 respectfully request a further short, one-week extension, until Dec. 8, 2017, of the
6 deadline under Rule 15(a)(1)(B) for Plaintiffs to amend their Complaint in
7 response to Defendants' Motion. Parties have also agreed, and respectfully request,
8 that Defendants' response to Plaintiffs' Amended Complaint be due on January 26,
9 2018.

10 In support of this motion, the parties state the following:

11 1) Plaintiffs first filed their five-count Complaint on October 17, 2016,
12 covering 33 immigration-related actions taken by Defendants.

13 Defendants asked Plaintiffs for two separate extensions "given the
14 breadth of the allegations," and a further extension, until May 30, 2017,
15 to pursue settlement negotiations.

16 2) On May 30, 2017, Defendants asked for a stay of the deadline to file their
17 answer, on the ground that actions then being taken by the executive
18 branch would likely affect the claims in the case. The Court gave
19 Defendants until October 6, 2017, to file their answer, nearly a year after
20 Plaintiffs' filed their Complaint.

3) Defendants filed a partial motion to dismiss Plaintiffs' Complaint on October 6, 2017, addressing Counts I and III and most of the claims in Count II, but not Counts IV and V and some of the claims in Count II. Defendants offered numerous legal defenses to Count II, including that eleven of Plaintiffs' claims were moot due to actions of the executive branch taken since Plaintiffs filed their Complaint. Defendants also allege that some of Plaintiffs' challenges are barred by the statute of limitations, not final agency actions, or precluded by statute. *See* Docket #32, Defendants' Exhibit 1.

4) Plaintiffs asked for an extension until December 1, 2017, to amend their Complaint in light of both Defendants' legal arguments and the substantial and ongoing changes in immigration policy instituted by the Department of Homeland Security since Plaintiffs' first filed their Complaint on October 17, 2016.

5) Amending Plaintiffs' complaint has been a substantially time-consuming endeavor due to the breadth of the discretionary changes that have been made to the implementation of the nation's immigration laws, and the necessity to commission a completely new expert report at short notice to evaluate these changes. Plaintiffs have also taken Defendants' legal arguments in their Partial Motion to Dismiss very seriously, and believe

1 that they necessitated, in response, a thorough and comprehensive review
2 of Defendants' present and past immigration regulations and policy
3 actions.

4
5 6) Despite having worked on the Amended Complaint throughout the
6
7 Thanksgiving weekend, Plaintiffs' counsel and expert have determined
8 that they require a very short amount of further time to finish the
9 Amended Complaint and entirely revise one of the expert reports.
10 Accordingly, Plaintiffs request an extension of one week, until December
11
12 8, 2017. Plaintiffs make this request in good faith and not for purposes of
13
14 delay.

15 7) After conferring, the parties respectfully request that Plaintiffs should
16
17 have until December 8, 2017, to file their Amended Complaint, and
18 Defendants should have until January 26, 2018, to respond to Plaintiffs'
19
20 Amended Complaint.

21 Dated: November 28, 2017

22 Respectfully submitted,

23
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Signature Certification

Pursuant to Section 2(f)(4) of the Electronic Cases Filing Administrative Policies and Procedures Manual, I hereby certify that the content of this document is acceptable to S. Derek Shugert, counsel for Defendants, and that I have obtained Mr. Shugert's authorization to affix his electronic signature to this document.

/s/Julie B. Axelrod
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